

Kathleen Hartnett White, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
Larry R. Soward, *Commissioner*
Margaret Hoffman, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 22, 2004

Mr. Jay Spence, Project Manager
Ensafe, Inc.
4545 Fuller Drive, Suite 230
Irving, TX 75038

Re: Delfasco Forge Division, Delfasco, Inc., located at 114 NE 28th Street, Grand Prairie, Dallas County, TX; Voluntary Cleanup Program (VCP) No. 1571

Dear Mr. Spence:

The Texas Commission on Environmental Quality (TCEQ) has received the amended VCP application and agreement. Enclosed is a copy of the amended agreement for your files. The Affected Property Assessment Report (APAR) is due on December 10, 2004. A project manager will be assigned to the site once the APAR has been received.

Please reference VCP No. 1571 on the front of any future letters or reports. Future submittals should be mailed to my attention at the TCEQ, Voluntary Cleanup Section, MC-221, at the letterhead address. You may contact me with any questions at (512) 239-5696.

Sincerely,

A handwritten signature in cursive script that reads "Diana Christiano".

Diana Lee Christiano, Program Specialist
Voluntary Cleanup Section
Remediation Division

DC/ts

Enclosure

cc: Ms. Lynda Riekels, Delfasco, Inc., Hurst, TX (w/enclosure)
Mr. Matthew J. Knifton, Thompson & Knight, Austin, TX (w/enclosure)

VCP 1571

APPLICABLE RULES AND REGULATIONS

The VCP rules, 30 Texas Administrative Code (TAC) 333, Subchapter A and the following rules or regulations are specifically designated as being directly applicable for the Site and must be followed. Citation of these rules does not imply that they are the only applicable rules.

- ☒ 30 TAC 350 (Texas Risk Reduction Program Rules - TRRP)
☒ 30 TAC 334 (Petroleum Storage Tank Rules)
Other _____

SUBMITTALS AND SCHEDULES

The following plans and reports were included with the VCP application, in this Agreement, or has been added by amendment to this Agreement:

- ☒ Phase I Environmental Site Assessment (ESA)
☒ Phase II/Limited Phase II ESA
____ Affected Property Assessment Report - Texas Risk Reduction Program (TRRP) Rules
____ Response Action Plan (TRRP)
____ Other: _____

In compliance with the aforementioned rules or regulations, the required submittals shall include a monthly status report, which describes all activities completed for the current month and those planned for the upcoming month. In order to complete the voluntary cleanup activities which are necessary for Certificate of Completion issuance, the following plans and reports will be submitted according to the schedule specified below (put anticipated date of submittal of report in blanks or NA if not applicable):

TRRP Submittals:

Affected Property Assessment Report _____ December 10, 2004
Response Action Plan _____ June 30, 2005
Response Action Completion Report _____ June 30, 2006
Response Action Effectiveness Reports _____ Semi-annually beginning December 15, 2006
Post-Response Action Completion Reports _____ Four months after TCEQ approval of RAERs
Monthly Status Report will be submitted by the 15th of each month.
Other reports (or indicate if attached Exhibit B): _____

If the Applicant is self-implementing to Remedy Standard A, a completed TCEQ Form 10323 (Self-Implementation Notice) must be attached to this Agreement. If the Applicant is self-implementing, TCEQ will not review or comment on site-specific issues submitted by the Applicant prior to submittal of the Response Action Completion Report (RACR) or the Response Action Effectiveness Report if the RACR has not been previously submitted.

Petroleum Storage Tank Submittals:

Release Determination Report (TCEQ-0621) _____
Assessment Report Form (TCEQ-0562) _____

Version 4.0 - previous version obsolete

TCEQ Rep: approved by: ³Diana Christiano, Program Specialist
March 17, 2004

OFFICE USE ONLY

PCA number: 33771

VCP Project number: _____

GIN 1505815

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY VOLUNTARY CLEANUP PROGRAM

Program Application

VCP No. 1571

Please complete this form, a Texas Commission on Environmental Quality (TCEQ) Form 10400 and an agreement form to request assistance and review from TCEQ staff in the Voluntary Cleanup Program (VCP) pursuant to §361.604 of the Texas Solid Waste Disposal Act. You may download this document, TCEQ Form 10400 and any other VCP documents via the Internet at <http://www.tceq.state.tx.us/permitting/remed/vcp/vcp/html>.

Complete all applicable sections. The TCEQ may reject incomplete or inaccurate applications as per §361.605 of the VCP statute. To accurately complete this form, please refer to the VCP Application Instructions or call the TCEQ's Voluntary Cleanup Section at (512) 239-5891 with any questions concerning the completion of this form.

General Site Information

RECEIVED

Site Name DEL FASCO FORGE DIVISION, DEL FASCO, INC.

MAR - 4 2003

Site Size (acres) 1.1008

VOLUNTARY CLEANUP SECTION

Regulated Entity Reference No. (if issued): CN- _____

Applicant(s)

Applicant A (The person or entity seeking review and approval of a plan or report and/or issuance of a VCP Certificate of Completion by the TCEQ. Applicant A is responsible for payment of TCEQ costs of review and oversight unless indicated otherwise on page 2 of this form).

Applicant DEL FASCO FORGE DIVISION, DEL FASCO, INC.Contact Person LYNDA BIEKEL Title VICE PRESIDENT

Customer Reference No. (if issued): CN- _____

Organization _____ Phone (817) 268-0781 Fax (817) 268-0783Interest in Property OWNERTo receive copies of TCEQ correspondence? Yes X No _____

Applicant B

Applicant _____

Contact Person _____ Title _____

Customer Reference No. (if issued): CN- _____

Organization _____ Phone () _____ Fax () _____

Interest in Property _____

To receive copies of TCEQ correspondence? Yes _____ No _____

Applicant C

Applicant _____
Contact Person _____ Title _____
Customer Reference No. (if issued): CN- _____
Organization _____ Phone () _____ Fax () _____
Interest in Property _____
To receive copies of TCEQ correspondence? Yes _____ No _____

If more than three applicants, list others under "Additional Applicants" on page 8 of this form.

Current Site Owner (if different from an applicant)

Owner(s) _____
Contact Person _____ Title _____
Organization _____ Phone () _____ Fax () _____

IMPORTANT - Please attach a completed form TCEQ-10400 for each applicant and the current site owner.

Other Contacts (Consultant/Attorney)

Name(s) ED HEARS Title PROJECT MANAGER
Organization ENSAFE INC. (CONSULTANT) Phone (972) 791-3222 Fax (972) 791-0405
Address 4545 FULLER DRIVE SUITE 230
City IRVING State TX Zip Code 75038

Name(s) _____ Title _____
Organization _____ Phone () _____ Fax () _____
Address _____
City _____ State _____ Zip Code _____

Billing Information

If billing should be directed to a person other than Applicant A, please enter the required information below and include their signature consenting to the obligation for payment of TCEQ oversight costs.

Name(s) _____ Title _____
Organization _____ Phone () _____ Fax () _____
Address _____
City _____ State _____ Zip Code _____
Signature of Consent: _____ Date: _____

Current Property Use (Use percentage if site is divided into different use categories.)

Residential _____ Other (e.g., agricultural, recreational) _____
Non-residential ☒ If non-residential, type of business VACANT

Is a real estate transaction imminent for this site? Yes _____ No ☒
If yes, what is the planned closing date? _____

Latitude/Longitude

Latitude (degrees, min., sec. N or decimal degrees) 32.7503
Longitude (degrees, min., sec. W or decimal degrees) -96.9629

Date of collection 9/5/02 Organization providing collection data CONSULTANT

Check the method used to determine latitude and longitude:

_____ GPS - Real Time Differentially Corrected _____
_____ GPS - Post Processed Differentially Corrected _____
_____ Map Interpolation - Manual _____
☒ Map Interpolation - Digital USGS JULY 1, 1986
_____ DOQQ _____

If using GPS, please state professional unit brand name, model number and accuracy tolerances.

If using Map Interpolation, please state which USGS quad map was used for interpolation.

If using DOQQ Interpolation, please state which DOQQ was used for interpolation.

Does the latitude and longitude listed above refer to the

☒ Center of the property?
_____ Main entrance to the property?
_____ Other, please describe _____

VCP Eligibility and Involvement With Other Regulatory Programs

Is the site subject to a TCEQ permit or administrative order? Yes _____ No ☒

Have response actions been initiated at the site after April 1996? Yes _____ No ☒ Note: Response actions initiated after April 1996 may cause the applicant to become ineligible for the VCP.

Has a state or federal Notice of Violation or any other notice of enforcement action been issued relating to contamination at the site? Yes _____ No ☒

Has there been any prior contact with any state or federal environmental regulatory programs or agencies relating to environmental issues at this site? Yes ☒ No _____

If yes, please describe all prior contact with any state or federal environmental regulatory programs or agencies which relate to each of these questions. Attach additional sheets as necessary. _____

OCTOBER 24, 2002: DELFASCO CONTACTED MS. MARTHA BRITTON, REGION 4 TCEQ. DELFASCO PROVIDED

SUMMARY INFORMATION FROM THE PHASE II ESA BY ENSAFE

JANUARY 13, 2003: DELFASCO SUBMITTED A LETTER TO MS. MARTHA BRITTON, REGION 4 TCEQ, SUMMARIZING

STATUS OF INVESTIGATION AND VCP APPLICATION

Is a request for reimbursement pre-approval currently under review by the Petroleum Storage Tank (PST) Program? Yes _____ No ☒

If yes, then please describe the site's status in the PST Program _____

Please provide any and all state and federal identification numbers related to the property in question, including any solid waste registration, leaking petroleum storage tank, CERCLIS, RCRIS, UIC, etc. registration numbers which have been assigned. _____

Contaminated Media and Contaminants Present

Have contaminants been detected in on-site media? Yes ☒ No _____

Please check the chemicals of concern within each contaminant category and the media which have been affected:

Contaminant Category	Soil	Groundwater	Surface Water	Sediment
*VOCs		X		
*SVOCs				
*Heavy Metals				
*Chlorinated Solvents		X		
Pesticides				
TPH				
PCBs				
Other _____				

*Please describe VINYL CHLORIDE; 1,1-DCE; CIS-1,2-DCE; TCE; 1,1,2-TRCA; BENZENE; PCF

Applicant's Intended Response Action Objectives (Cleanup Levels)

___ Not known at this time. Applicant wishes to receive guidance from the VCP prior to the signing of a VCP agreement.

Texas Risk Reduction Program Rules (30 TAC Chapter 350) - Check Appropriate Standard and Tier Level:

___ Self-Implemented Cleanup to Remedy Standard A, Tier 1 ___ Tier 2 ___ Tier 3 ___

___ Non Self-Implemented Cleanup to Remedy Standard A, Tier 1 X Tier 2 ___ Tier 3 ___

___ Cleanup to Remedy Standard B, Tier 1 ___ Tier 2 ___ Tier 3 ___

PST Rules (30 TAC Chapter 334) - Check Appropriate Standard:

___ Cleanup to generic risk-based levels (following PST Plan A requirements).

___ Cleanup to site specific risk-based levels not relying on engineering or institutional controls (following PST Plan B requirements).

___ Cleanup to site specific risk-based levels which rely on engineering or institutional controls (following PST Plan B requirements).

___ Other (explain) _____

Federal Brownfields Tax Deduction

Are you requesting TCEQ certification that the site is eligible for a federal tax deduction under the Taxpayer Relief Act of 1997 (HR 2014)? Yes X No ___

If yes, please submit a Brownfields Tax Deduction Pre-Certification Form. This form may be downloaded from <http://www.tceq.state.tx.us/permitting/remed/vcp/vcp/html>.

State Property Tax Abatements for Brownfields

Are you interested in signing an agreement with the local taxing authority to receive a property tax abatement after issuance of the VCP Certificate of Completion, as allowed under Section 312.211 of the Texas Tax Code? Yes ___ No X

If yes, please read the application instructions for more information about this tax abatement.

Environmental Assessment

An environmental assessment that includes the following information must be attached to this application:

1. a legal description of the site, including a site map drawn to scale;
2. the physical characteristics of the site;
3. the operational history of the site, to the extent the history is known by the applicant;
4. information that the applicant is aware of concerning the nature and extent of any contamination and/or release at the site and in areas contiguous to the site; and
5. relevant information the applicant is aware of concerning the potential for human and environmental exposure to contamination at or emanating from the site.

Intent to Participate

The undersigned requests oversight by the TCEQ of investigation and cleanup activities of possible contamination at the property described above and intends to negotiate in good faith, a written agreement with the TCEQ to provide technical and regulatory oversight. This Intent to Participate does not constitute such an agreement and neither TCEQ nor the undersigned will be bound to proceed with VCP oversight unless such an agreement is executed. Applicants should be aware that in order for the TCEQ to issue a VCP Certificate of Completion for an entire site, the applicant must provide adequate information to document that the entire site meets the applicable standards. As an alternative, the applicant may pursue a VCP Certificate of Completion for only a portion of the site, as a partial response action area. The agreement will describe the project activities of each party and will require Applicant A (unless indicated otherwise on page 2 of this form) to reimburse the TCEQ for all of its oversight costs. By completing and signing this Intent to Participate and that excepting areal limitations with partial response actions, all environmental media which exceed the critical Protective Concentration Levels shall be addressed through appropriate response actions. The undersigned affirms the applicant's financial capability to perform the voluntary cleanup. The Executive Director may also request additional information to support this affirmation.

With this Intent to Participate, the undersigned does not admit or assume liability for investigation or cleanup of the site. In addition, the undersigned may terminate the Intent to Participate at any time. If the TCEQ rejects the application, it will notify the applicant and explain the reasons for rejection and will refund half of the application deposit, unless the applicant indicates a desire to resubmit a corrected application. An applicant can resubmit an application once without submitting an additional application fee, if the applicant resubmits within 45 days after the rejection notice date.

Deposit of Oversight Costs

The applicant must submit with this application, a deposit in the amount of one thousand dollars (\$1,000), made payable to the Texas Commission on Environmental Quality. Deposits may be made in the form of company or personal checks. If a deposit check is returned due to insufficient funds, the application will be considered incomplete and will be rejected. Cash deposits will not be accepted.

Please execute this Intent to Participate in the space below and return it and all associated documents (e.g., environmental assessment reports) to:

Attention: Cashier
Texas Commission on Environmental Quality
MC- 214
P.O. Box 13088
Austin, Texas 78711-3088

For overnight or express mail please use the following street address:

Attention: Cashier
Texas Commission on Environmental Quality
MC-214
12100 Park 35 Circle
Austin, Texas 78753

Note: Please do not send the application and associated documents directly to the VCP. This will only result in a delay in processing your application.

Correctness of Information

The undersigned affirm that the information contained in this application is true and accurate to the best of their knowledge.

Applicant's Signatures

Applicant A

By: Lynda Riekels Name: LYNDA RIEKELS
(signature) (print or type)

Date: 2/21/03 Title: VICE PRESIDENT

Company: DELFASCO FORGE DIVISION, Phone: (817) 268-0781
DELFASCO INC.

Applicant B

By: _____
(signature)

Name: _____
(print or type)

Date: _____

Title: _____

Company: _____ Phone: () _____

Applicant C

By: _____
(signature)

Name: _____
(print or type)

Date: _____

Title: _____

Company: _____ Phone: () _____

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
VOLUNTARY CLEANUP PROGRAM**

Program Application - Additional Applicants Form

Applicant D

By: _____ Name: _____
(signature) (print or type)

Date: _____ Title: _____

Company: _____ Phone: () _____

Applicant E

By: _____ Name: _____
(signature) (print or type)

Date: _____ Title: _____

Company: _____ Phone: () _____

Applicant F

By: _____ Name: _____
(signature) (print or type)

Date: _____ Title: _____

Company: _____ Phone: () _____